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OCT 15 1923

WM. R. STANSBU

IN THE
SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1923. 20

FIRST NATIONAL BANK IN ST. LOUIS,
Plaintiff in Error
(and Petitioner in Certiorari),

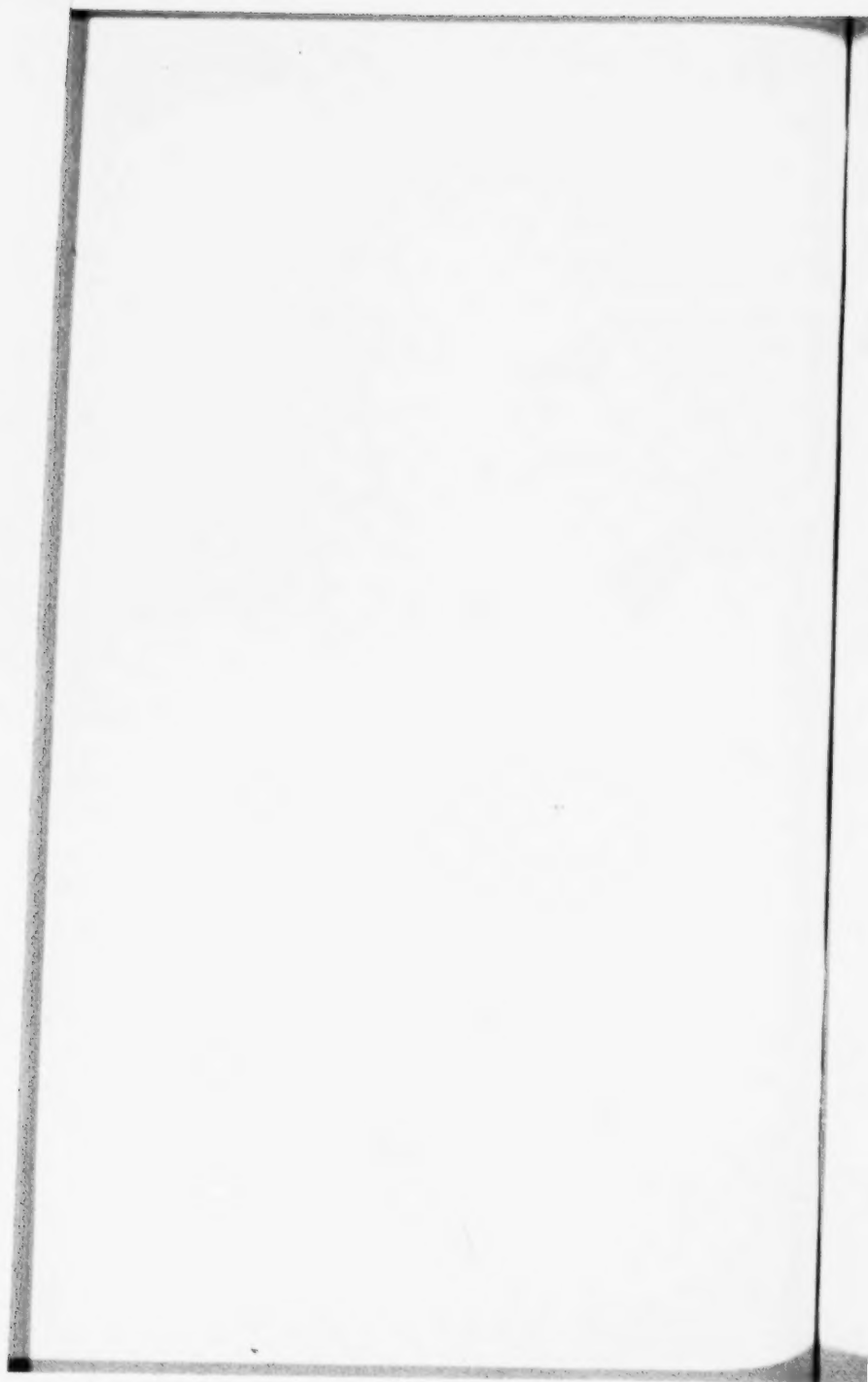
vs.

STATE OF MISSOURI Upon Informa-
tion of JESSE W. BARRETT,
Attorney-General,
Defendant in Error
(and Respondent in Certiorari).

No. 252.

**SUGGESTIONS IN OPPOSITION TO PETITION
FOR MODIFICATION OF ORDER
FOR REARGUMENT.**

JESSE W. BARRETT,
Attorney-General of Missouri,
Defendant in Error.



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FIRST NATIONAL BANK IN ST. LOUIS, Plaintiff in Error (and Petitioner in Certiorari), vs. STATE OF MISSOURI Upon Informa- tion of JESSE W. BARRETT, Attorney-General, Defendant in Error (and Respondent in Certiorari).	} No. 252.
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**SUGGESTIONS IN OPPOSITION TO PETITION
FOR MODIFICATION OF ORDER
FOR REARGUMENT.**

Comes now the State of Missouri and suggests to the Court that:

First. The petition for modification of order for reargument made by the plaintiff in error herein greatly extends the issues for discussion beyond those shown by the record in this case and beyond those presented

to and tried by and determined by the Supreme Court of the State of Missouri.

Second. While we would contend that the maintenance of an office for the reception of deposits and payment of checks constitutes a bank within the meaning of the law, and as that term is generally understood by the American public, yet that question was not presented by the pleadings in the state court, and was not presented to nor determined by the state court and, therefore, is not in issue in this cause.

Third. Respondent shows that the third question which plaintiff in error suggests for reargument, to wit, the power of a national bank under the Act of Congress to maintain **branch offices** in the city, town or village in which it does business, was not submitted to nor determined by the Supreme Court of Missouri, nor was it presented by the pleadings in that case.

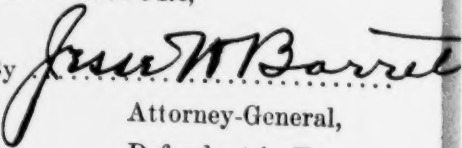
The allegation of the information in that respect being that "the said First National Bank in St. Louis did, on or about the 15th day of June, 1922, illegally open a **branch bank for conducting a general banking business** at No. 818 Olive street, St. Louis, Missouri, in a separate building located several blocks from the banking house before mentioned, which said **branch bank** it is now conducting and proposes to continue to conduct, and where it is engaged in the busi-

ness of banking, discounting bills and notes and other evidences of debt, receiving deposits and paying out the same upon check, buying and selling bills of exchange and lending money" (Rec., p. 1), the allegations of the information were admitted by the demurrer of the plaintiff in error to be true, and no other issue was presented in the case in the state court as to what the plaintiff in error had done, was doing, or intended to do.

The issue before the state court, therefore, was not as to the power of a national bank under the Act of Congress to maintain **branch offices** in the city, town or village in which it does business, but was as to the power of a national bank to establish, operate and conduct a **branch bank** in the city, town or village in which it was doing business.

Respectfully submitted,

STATE OF MISSOURI,

By 
Attorney-General,
Defendant in Error.